

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD, et al.

Defendants.

Civil Case No. 2:22cv00293-JRG
(Lead Case)

JURY TRIAL DEMANDED

NETLIST, INC.

Plaintiff,

v.

MICRON TECHNOLOGY TEXAS, LLC, et al.

Defendants.

Civil Case No. 2:22cv-00294-JRG
(Member Case)

JURY TRIAL DEMANDED

NETLIST AND SAMSUNG’S CROSS-USE STIPULATION

Plaintiff Netlist, Inc. and Defendants Samsung Electronics Co., Ltd.; Samsung Electronics America, Inc.; and Samsung Semiconductor, Inc. (collectively, “the Parties”), by and through their respective counsel, hereby stipulate and agree that documents produced by the Parties in *Netlist, Inc. v. Samsung Electronics Co., Ltd., et al*, Case No. 2:21-cv-00463-JRG (the “463 Case”) can be used by the Parties in this case, *Netlist, Inc. v. Samsung Electronics Co., Ltd., et al*, Case No. 2:22-cv-00293-JRG (the “293 Case”), provided that any information in such documents that derives from documents, testimony, or other discovery designated under the Protective Order in the 463 Case shall be designated with at least the same level of protection under the Protective Order

entered in the 293 Case.¹ Specifically, these documents bear the following bates numbers: SAM-NET00000001 – SAM-NET01399784; NL000001 – NL119896.

The Parties agree that documents produced in the 463 Case may be used in the 293 Case without re-producing, re-bates numbering, or re-imaging the documents.

By so agreeing, neither side waives any rights, objections, arguments, or defenses regarding the relevance or appropriateness of fact discovery to be taken in the 293 Case.

The Parties agree that any document or thing from the 463 Case that is used in the 293 Case shall remain subject to the Protective Order entered in the 463 Case unless otherwise stipulated by the Parties.

This Joint Cross-Use Stipulation does not include documents produced by third parties subject to the Protective Order in the 463 Case absent the express agreement of the producing third parties. A Party must seek an express agreement from any third party before using that third party's produced documents from the 463 Case in the 293 Case, and notice of any such agreement must be provided to the other Party within five business days, consistent with the Discovery Order (Dkt. 56, ¶ 12(d)).

By entering into this Joint Cross-Use Stipulation, the Parties do not concede or otherwise agree or accept that any document, testimony, or other information produced, served, transcribed, or filed in the 463 Case is relevant or admissible as evidence in the 293 Case. Additionally, nothing in this agreement is intended to or shall be interpreted as modifying the deadlines or obligations of the Parties in the 463 Case or the 293 Case.

¹ For example, Documents produced in the 463 Case which were designated CONFIDENTIAL – ATTORNEYS' EYES ONLY shall be treated as though designated CONFIDENTIAL – ATTORNEYS' EYES ONLY pursuant to the Parties' Protective Order entered in the 293 Case.

Dated: August 25, 2023

Respectfully submitted,

/s/ Jason G. Sheasby

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Samsung Semiconductor, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on August 25, 2023. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Daniel A. Tishman